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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/482,830	01/11/2000	KURT H LOHSE	LOHSE-I	7571

7590 09/02/2003

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EXAMINER

LASTRA, DANIEL

ART UNIT

PAPER NUMBER

3622

DATE MAILED: 09/02/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/482,830

Applicant(s)

LOHSE, KURT H

Examiner

DANIEL LASTRA

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 July 2003.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 3-7 and 15 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 3-7 and 15 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

1. Claims 3-7 and 15 have been examined.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 4-7 and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Scroggie et al (U.S. 6,014,634) in view of Deaton et al (U.S. 6,516,302).

As per claim 15, Scroggie et al teach:

A method for providing discount incentives to potential customers including the steps of:

- a. establishing a website for a set of providers to set their respective discount parameters (column 4, lines 1-6; 25-30);
- b. providing access to said website by a potential customer for selecting a provider from said set of providers (see column 3, lines 10-50).

Scroggie fails to teach:

- c. transmitting a customer spending amount to said website by said potential customer;
- d. querying said provider's discount parameters to establish whether said provider has a discount parameter matching said potential customer's spending amount; and

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e. determining whether a provider's discount parameters match said customer spending amount and (1) returning to step (b) if no match is found, and (2) presenting a website display of a customer discount coupon corresponding to said discount parameters for printout by said potential customer for subsequent redemption if a match is found.

However, Deaton teaches about a system where customers transmit the value amount that they are expecting to spend at an online store and the system provides a discount based on that "value." For example, the discount rate may be greater for customers who spend more than those who spend less. Deaton teaches that, "In a particular example, a threshold is set at \$50 and customers who spend less than \$50 get no discount and customers who spend more than \$50 get 5% off the total purchase. This is an example of non-linear differentiation. In another example, customers who spend less than \$50 get a 2% discount and those spend more than \$50 get a 5% discount" (see column 136, line 45 - column 137, line 7; column 149, line 60 - column 150; columns 123-124). In addition, Deaton teaches about different coupons that are printed depending on the amount spent by the customer in a particular store (see column 84). Further, Scroggie teaches about a dynamic coupon creation system where coupons are created in real time using information provided by the consumer at his or her remote location. The total amount of savings and the terms for receiving savings are created in real time depending upon the information that the customer inputs (see column 10, line 26 - column 11, line 8). Therefore, it would have been obvious to a person of ordinary skill in the art at the time the application was made, to know that

Scroggie would add the non-linear differentiation taught by Deaton where the proportionality of the reward or incentive changes as a percentage of the total purchase. In the Scroggie system, customers would input the total amount that they are expecting to spend and the system would create in real time the coupon with the corresponding discount that correlates with the specific customer's expected total purchase amount, as taught by Deaton. The Scroggie dynamic coupon creation system would generate a different coupon depending upon the customer's geographic location and expected spending amount, serving as a better targeting tool and incentive for customers to visit the store and purchase products.

As per claim 4, Scroggie et al teach:

The method recited in claim 15 further comprising the step of establishing a data file of coupon generation for each said provider (see column 4, lines 1-6).

As per claim 5, Scroggie et al teach:

The method recited in claim 15 further comprising the step of including at least one verification number on each said discount coupon (see figure 11).

As per claim 6, Scroggie et al teach:

The method recited in claim 15 further comprising the step of displaying a search page at said website for permitting a potential customer to search for a provider based upon selected criteria (see columns 3-4).

As per claim 7, Scroggie et al teach:

The method recited in claim 6 wherein said search criteria comprise at least one criterion taken from the group consisting of location, nature of products offered, nature of services offered and timing of provider registration at said website (see columns 3-4).

Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Scroggie et al (U.S. 6,014,634) in view of Deaton et al (U.S. 6,516,302) and further in view of the article YahooAddsMaps of 50 Cities.

As per claim 3, Scroggie et al fail to teach:

The method recited in claim 15 wherein said step (e) further comprises the steps of generating a map indicating the location of said selected provider and adding said map to said website display. However, the article YahooAddsMaps of 50 Cities teaches that any website which contains location content can easily add mapping features and services (see paragraph 3). Therefore, it would have been obvious to a person of ordinary skill in the art at the time the application was made, to know that Scroggie would include mapping capabilities to guide customers to the stores where they would redeem the coupons.

Conclusion

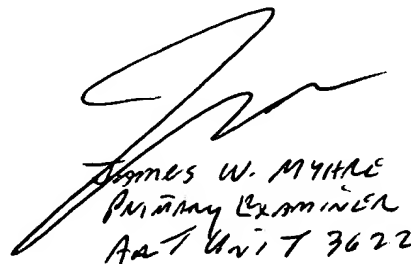
3. Any inquiry concerning this communication or earlier communications from the examiner should be directed to DANIEL LASTRA whose telephone number is 703-306-5933. The examiner can normally be reached on 9:30-6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, ERIC W STAMBER can be reached on 703-305-8469. The fax phone numbers for the organization where this application or proceeding is assigned are 703-305-7687 for regular communications and 703-872-9327 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-1113.

D.L.

Daniel Lastra
August 12, 2003


JAMES W. MYHRE
Primary Examiner
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